

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION-COLUMBUS**

JAMES REID
2668 Stoney Ridge Drive
Madison OH 44057

Plaintiff,

VS.

**BUREAU OF COLLECTION
RECOVERY**
7575 Corporate Way
Eden Prairie MN 55344

Defendant.

No.

JURY DEMAND ENDORSED HEREON

VERIFIED CIVIL COMPLAINT
(Unlawful Debt Collection Practices)

VERIFIED COMPLAINT

JAMES REID (Plaintiff), by his attorneys, KROHN & MOSS, LTD., alleges the following against BUREAU OF COLLECTION RECOVERY. (Defendant):

1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 et seq. (FDCPA).

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy,” and *28 U.S.C. 1367* grants this court supplemental jurisdiction over the state claims contained therein.
3. Defendant conducts business in the State of Ohio, and therefore, personal jurisdiction is established.

4. Venue is proper pursuant to 28 *U.S.C. 1391(b)(2)*.

PARTIES

5. Plaintiff is a natural person residing in the City of Madison, Ohio.
6. Plaintiff is a consumer as that term is defined by 15 *U.S.C. 1692a(3)*, and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 *U.S.C. 1692a(5)*.
7. Defendant is a debt collector as that term is defined by 15 *U.S.C. 1692a(6)* and sought to collect a consumer debt from Plaintiff.
8. Defendant is a national corporation with its headquarters in Eden Prairie, Minnesota.
9. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

10. Defendant constantly and continuously places collection calls to Plaintiff seeking and demanding payment for an alleged consumer debt owed by Plaintiff's son, Matthew Reid.
11. Defendant calls Plaintiff from multiple telephone numbers including: 440-389-7309, 202-607-2733 and 800-831-7311.
12. Defendant calls Plaintiff on his home telephone number: 440-417-0346.
13. Defendant has been calling Plaintiff for nearly six weeks.
14. Defendant places multiple calls to Plaintiff daily, sometimes up to six calls in a single day.
15. Plaintiff has repeatedly informed Defendant that Plaintiff is not the consumer that Defendant is looking for.
16. Defendant continues to place collection calls directly to Plaintiff despite this.

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT,
(FDCPA), 15 U.S.C. § 1692 et seq.

17. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct of which the natural result is the abuse and harassment of the Plaintiff.
- b. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff.
- c. Defendant violated §1692e(10) of the FDCPA by engaging in the false and deceptive practices of placing calls to Plaintiff despite knowing that he is not the consumer that Defendant is seeking to collect from.

WHEREFORE, Plaintiffs respectfully pray that judgment be entered against the Defendant for the following:

18. Statutory damages pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,
19. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*
20. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

By: /s/ Peter Cozmyk
Peter Cozmyk,
Attorney for Plaintiff

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DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, JAMES REID, hereby demands trial by jury in this action.

VERIFICATION OF COMPLAINT AND CERTIFICATION


(STATE OF OHIO)

Plaintiff, JAMES REID, says as follows:

1. I am the Plaintiff in this civil proceeding
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, JAMES REID, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Dated: 10-12-2010



JAMES REID
Plaintiff